

cattle" and "red bulls". HOLLIS,²⁴ recorded two subdivisions of the Uasin Gishu, "the black striped cattle", and "the red striped cattle", which were, very probably, no other thing than the moieties.

The Masai clans, of *gilata*, pl. *il gilata* or *en gishomi*, pl. *in gishomi*, are patrilineal and exogamous. Generally, they do not seem to be totemic. However, HOBLEY,²⁵ and the author of MS. No. 48 have recorded the names of a few clan totem. FOX,²⁶ refers also to the association of snakes with some clans.

The true exogamic unit of the Masai seems to be any individuated unit, either clan or branch of the clan. A Masai may be adopted into another clan then his original one. The same provision applies even to an alien (Kikuyu, Dorobo). The adoptee, however, never attains the same social status as a full member of the clan. He is free to leave at any time, provided he returns whatever he was presented by his patrons, such as cattle or any other valuable.

The relationship between clans and their territorial distribution is not very clear. Analysis would suggest that in the past, clans were territorially separated. At present, there is still a tendency for members of the same clan to live close by to one another and occupy neighbouring encampments. Some sections are almost made up by members of a single clan. Thus, the *Molelian* clan is predominant in Kapiti section; the *Atayok* clan is predominant in Dala-lakotok section. Such facts, however, seem to be the exception. Usually clans are represented at a time in many different sections "There is no rule", writes HOBLEY,²⁷ "governing the distribution of the various *gilat* (clans); often members of as many as three *gilat* will be found in one *moru engang* (elders' village) or a *moran manyat* (warriors' village)".

Water and cattle are generally clan possession. When new water sources are discovered, they are claimed on behalf of the clan. All clan members who live in the neighbourhood are entitled to make use of them. A foreigner may also be allowed to water his cattle there. If disputes arise, they are settled by the council of clan-members on the spot. As a matter of fact, these water sources are the centre of ordinary social life, as FOSBROOKE²⁸ writes: "The

²⁴ HOLLIS, l. c., p. 458.

²⁵ HOBLEY, l. c., p. 129.

²⁶ FOX, l. c., p. 458.

²⁷ HOBLEY, *Eastern Uganda. An ethnological Survey*, London 1902, p. 122.

²⁸ FOSBROOKE, l. c., p. 42.

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clansmen frequently meet on the water, and other matters — marriage, debts, etc. — come up for settlement before the tribunal". Clan ownership does not exclude individual ownership, which is integrated by the former as a sort of higher supervision. The point is that no clan property must be passed over to other clans without the owning clan's approval. HOBLEY,²⁹ states that cattle used to be marked by a clan brand showing clan-possession, and sometimes by a brand of the individual owner.

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The corporate bond arising from clan relationship is confirmed by cases of murder compensation. Even if a murderer is a wealthy man, and might pay all the compensation out of his own stock, "the other branches of the clan would still contribute and they would pay their share". However, "if a Masai kills a member of his own branch of the *gilat* he pays compensation himself, and the other branches do not contribute".³⁰ LEAKEY, on the other hand, was told by his informants that no compensation is expected when a man kills a member of his own branch. They say: "what would be the use of taking a fine from one's own sub-clan?"³¹ HOBLEY reports further that "each branch of the *gilat* to whom the murdered man belongs, receives a share of the compensation: 2-3rds to the murdered's father", and the rest is distributed among the other elders of the clan.³² This is also confirmed by the notes of MAGUIRE on the penal code of the Masai.³³

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One should note that the corporate bond formed by clan relationship is of a particularist nature. It ties members to their own clan in opposition to other clans within the same tribe.

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The many efforts of the Administration to identify a native political institution for local government make a very interesting piece of ethnographical history. First in Kenya, and also, after 1918, in Tanganyika, one *laibon* was recognised as the Paramount Chief of the Masai. In Kenya such an office was abolished in 1918, while a graded system of councils was introduced: a Central Masai Council, 14 Native Councils and local Headmen. They acted as tribunals,

²⁹ HOBLEY, *Ethnology of A-Kamba*, p. 129.

³⁰ HOBLEY, l. c., p. 123; FOSBROOKE, l. c., pp. 42 s.

³¹ LEAKEY, *Some Notes on the Masai of Kenya Colony*, in *J. R. A. I.*, 60, 1930, p. 209.

³² HOBLEY, l. c.

³³ MAGUIRE, *The Masai Penal Code*, in *J. A. S.*, 38, 1928, pp. 12 ss.

561 *Engibata* as the first ceremony for the institution of an age-unit, we may put *Unoto* at an interval of about three or four years; and then *Endungore* some two or three years, or more, after that.¹¹³

VII - THE INTERNAL STRUCTURE OF THE AGE-UNIT

The generic reference made by our authorities either to "the elders" or "the candidates", and so on, may cause the false impression that those engaged in the initiation ceremonies always act as a whole and corporate group. In point of fact, general meetings are rare occasions, and they are also restricted to territorial sections or groups of sections.

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624 Only a few representatives of the age-units take the most important decisions in connection with the institution of the units.

We have mentioned the *ingopior* or *ingobir*, ag. *engobiro*. These are the best of the age-units initiates. It is they who first approach the elders and assist their own leaders, who usually are selected from among their number. These are, generally, the most senior. According to the information of FOSBROOKE,¹¹³ they form "an inner council for appointing or degrading the *laigwanan*, and for the conduct of important public business". However, "there is no definite office of *engobiro*"; they emerge according to their talents, skill and personality. Thus "they are not necessarily confined to the first batch of initiates", but any one else, even of the last batch, whose qualities excel may be considered an *engobiro*.

[623] The elders here referred to are, as said, the *piron* elders. Their office of sponsors is thus summarized by FOSBROOKE,¹¹⁴: "the *il piron*-elders, i. e., the guardians of the youths, have to coach the senior boys in citizenship, taking them to the *laibon*, making them sit at their meetings, etc."

Of the age-unit leaders (*aigwenani*) FOSBROOKE,¹¹⁵ distinguishes three kinds, 1. *ol aigwenani loongishu pokin*, lit., the *aigwenani* of

¹¹³ One of the few facts we possess concerning the Samburu is that "the circumcision rite takes place at intervals of seven years". See WEBSTER, I. c., p. 8. For the other tribes in Masai District there are no indications in the various reports of the NAD confirming the above period. Cf. the references in NAD, 1926 and 1927 with 1932 and 1937 which, however, are very vague to be of any real value.

¹¹⁴ FOSBROOKE, I. c., pp. 34 s.

¹¹⁵ FOSBROOKE, I. c., p. 54.

¹¹⁶ FOSBROOKE, I. c., p. 34.

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Employment
of the
"Muran."

More particularly does this argument apply to the "Muran" who are of the ages at which the members of agricultural tribes are expected to work. No suitable employment has as yet been found for them as a body, though a small number have been known to reside as herds on the farms of sympathetic European stock-owners who are willing to pay a high wage for a modicum of service and who will not insist on their performance of any uncongenial labour. A very few also have proved efficient in the Police Force and K.A.R., while numbers of them, employed in the capacity of native levies have frequently proved of assistance in punitive expeditions against other tribes,* but for the majority, all attempts to find a suitable form of employment have failed, and they continue to lead their idle life in the Reserve, where their attitude is one of conceited conservatism combined with opulent apathy. The discipline formerly necessary to their existence as a fighting race is rapidly falling into disuse, and the good qualities they once possessed are fast deteriorating. Many of them have confessed to a feeling of boredom with their idle life but few have had the moral courage to change it for one of labour. This manner of existence is having a disastrous effect both physically and mentally on the Masai as a tribe, and it is stated that the average height of the "Muran" has decreased by three or four inches during the last fifteen years.

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Masai
conservation
respecting
cattle.

It has been said that the Masai Reserve is already, with certain reservations, stocked to its fullest capacity. Mr. Hemsted has estimated the natural increase in cattle at 15 per cent. or approximately 100,000 per head per annum. It follows therefore, that a similar number must be disposed of or perished annually; but this is an argument which does not appeal to the Masai. They have not only shown a marked reluctance to sell their stock, but they have made no serious attempt to accept the assistance of science in improving the grazing conditions of their country, and, being satisfied as a result of the few experiments they have made that the class of stock they possess—a small, degenerate, in-bred animal—is best suited to withstand the arduous conditions prevailing in the Reserve, they are unwilling to permit a cross-breeding with pure-bred or grade stock which might materially increase the value of their herds in the world's markets, and which would, by the introduction of fresh blood, obviate the ill-effects of in-breeding which has been rendered necessary by the cessation of raids. The wealth of the Masai, therefore, is turned to no good purpose; their style of living does not change; they are still content to live in low buildings constructed of poles, grass and mud, in conditions of filth that defy description; and, although an improvement has been noticeable in recent years, they have shown no great desire to utilize their wealth in the purchase of imported articles and in the improvement of their diet.

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Councils of
Elders.

Another aspect of the character of the Masai "Muran" which deserves consideration is the disregard which they evince for the authority of their own native administration as represented by the Councils of Elders. These Councils exist according to native custom, but have never been in the past, nor are they now, efficient to enforce the decisions they may give in respect of the young warriors. It may be said that serious crime in the Masai Reserve is rare, and that there are not more than three or four cases on record, since European administration was established, when the attitude of the "Muran" gave cause for anxiety and in no one of these cases did a disturbance of such magnitude occur as to render necessary a recourse to armed force to quell it. Politically, the Masai have remained loyal to the British Government since they first encountered it, and except for isolated instances where certain sections attempted to help the allied cause and to increase their herds by the despatch of raiding expeditions against German territory, their conduct throughout the trying period when the war in East Africa was on their borders was exemplary. Nevertheless, a catalogue of the misdeeds of the Masai will show a not inconsiderable number of instances

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Crime in the
Masai
Reserve.

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* The Masai have rendered assistance in the capacity of native levies on the following occasions:—

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| (1) Nandi Expedition, 1900. 40 Muran. | (6) Kabwaren Patrol, 1904. 100 Masai and Nandi. |
| (2) Nandi Expedition, 1900. 400 Muran. | (7) Sotik Expedition, 1905. 400 Muran. |
| (3) Maraka Patrol, 1902. 300 Muran. | (8) Kisii Patrol, 1906. |
| (4) Tota Operations, 1902-03. 300 Muran. | (9) Nandi Expedition, 1903-04. 400 Muran. |
| (5) Iriani Patrol. 400 Muran. | (10) Present Turkana operations. |

Reports on the work of these levies have on the whole been highly satisfactory, except in the present Turkana operations where it is doubtful if the pastoral Masai have been used, and in the Kabwaren patrol, where it was found that the Masai spearmen were of little use against the Nandi in forest country.

where unarmed natives of the neighbouring tribes, whose duty or pleasure took them into the Masai Reserve, have been wantonly murdered, and the catalogue also includes numerous instances of thefts of stock from neighbouring farms and territories. An investigation of the record of each of these cases will show that in a small number only of incidents has the perpetrator of the crime been brought to book. The probability that the commission of a stock-theft or a murder can be performed by a Masai of the "Muran" class without the knowledge of his associates is so slight that it has been found necessary to accept the principle that the responsibility for the surrender of criminals traced to any particular area rests on all the members of the section inhabiting that area. This system is in vogue throughout all the native districts of the Protectorate and is generally employed with a fair measure of success, but a similar success does not attend its application to the Masai Reserve, and this reserve is, in fact, the area to which the great majority of impositions of fines under the Collective Punishments Ordinance, 1909, have been applied, the refusal of the Masai to assist in tracing the criminal rendering it necessary to utilize the provisions of the Ordinance to effect the punishment of the whole section involved. The blooding of a spear by the murder of an unprotected wanderer or the theft of stock guarded perhaps by children is a survival of the traditions which necessitated the "Muran" to prove their manhood during the period in the standing army or the "L-Ayok" to prove their worth before circumcision. Such acts may not be regarded at the present day as valiant, but it seems that the criminal's associates have not yet come to look on them as reprehensible, and the Masai, on account of their wealth, do not possess the same dread of a collective fine as is felt by certain of the poorer tribes. Under any circumstances, the "Muran" offer no assistance in the tracking down of the criminal and the elders, though professing detective zeal, are powerless to intervene. The attitude of the section involved in such cases is one of surprise and listlessness—they never know anything—and the collective fine which may ensue has not hitherto had the result of discouraging the adoption of such an attitude.

It will generally be found that fines of this nature have been levied on Companies or "Sirits" of different clans, and, sometimes, on all the members of a clan or division. There is no case on record in which a collective punishment has been imposed on the Masai tribe as a whole. It is therefore necessary to refer shortly to the divisions into which the Masai, who are all of one tribe, are divided by their traditions and customs, and to note also the divisions into which they are divided in practice for the purposes of the administration of the reserve. A description of the traditional divisions of the Masai people is given in Mr. Hollis' Book on the Masai, pp. 260 and 261, but the names which are now in use to denote the divisions of the tribe within the reserve do not exclusively follow either the genealogical or the geographical divisions which are there set out. The Officer-in-Charge of the Masai reserve is endeavouring to confine the members of each division to certain areas set apart for them as locations, and this step will have the effect of reconciling the name given to a division with the locality in which it is found, thus tending to perpetuate a convenient form of nomenclature.

Whatever may have been the original system on which these divisions were formed, it appears that there is a really marked clan feeling between them, and several incidents are recorded which disclose the presence of mutual distrust and strained relationship between the divisions, while interference by one division with another is keenly resented. These divisions form the basis of the tribal organisation of the Masai as it exists to-day and each division has its own Council of Elders. In the recently constituted "Masai Council," one elder, or more, has been chosen to represent each division and the Council so formed has been accepted as representative of the whole tribe. It will thus be seen that the division system presents an admirable method of dealing with the tribe, closely allied to the location system employed in other Native Reserves in the Protectorate, and has enabled unrest or crime to be so localized as to limit the liability for offences committed to certain definite sections of the Masai. Nevertheless, there is not sufficient difference in the behaviour or customs of the members of each

Divisions.

Masai
Council.648*
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On the 14th of February, 1918, the Acting Governor discussed the proposal with the members of Executive Council, who agreed with him as to the desirability of the formation of such an institution and of sub-councils, which would deal with specific matters in specified areas.

In reporting this decision to the Secretary of State, Mr. Bowring remarked that he regarded the word "representatives," as used in the Agreement, to mean the representatives for the time being, and he considered that, if the members of the council were selected with the approval of the respective sections of the tribe represented by them, they might be regarded as the representatives of the Maasi for the purposes of the Agreement.

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On the 14th of February, Mr. Hemsted submitted for approval a list of Native Councils which it was proposed to recognize for the purposes of the Native Tribunal Rules, and which would exercise the powers of Collective Headmen under the Native Authority Ordinance. The Councils had been chosen in accordance with Maasi custom, and consisted of the recognized "Aigwenak," or counsellors of the different circumcised ages of the various tribal divisions, with a few of the more influential elders and Muran added. The presidents had been selected from the "Aigwenak" by the Maasi themselves, and were those who had been accustomed to preside at the council meetings.

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The members of the Maasi Council.
These presidents of councils would also form the council which had been proposed by the Acting Governor, and were considered to be sufficiently representative of the Maasi tribe, all the principal tribal divisions being represented, and arrangements had been made for the council so constituted to meet at Narok, not less than twice a year, for discussing matters affecting the tribe as a whole, as well as those connected with the Agreement of 1911.

The lists so submitted contained the names of "Aigwenak" of the "Sirita," and it was intended that they should exercise jurisdiction as headmen over their own Muran only. Muran "Aigwenak" were not ordinarily admitted to councils of elders by native custom, but, as the elders did not themselves possess any great measure of control over the Muran, it was thought that the appointment of such leading warriors might tend to improve the situation. These appointments were intended to be purely of a temporary character, as the age of Muran then in power was shortly losing office, its members giving place to the new age, and themselves becoming elders, but, in view of this, it was eventually decided to cancel the suggested appointments, at any rate until the new age had assumed its responsibilities, and chosen its own representatives. A list of the Councils gazetted, and of the headmen appointed to preside over them, is to be found in Appendix 4.

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Inaugural meeting of the Maasi Council
The inaugural meeting of the Council was held at Narok on the 1st to the 4th of April, 1918. There were present Seggi Ole Lenana, Paramount Chief, Masikondi, Legaliahu and Ole Emboko, respectively presidents of the Purko Council for the Narok, Mara, and Narosura areas; Ole Kataiga, Sironga Ole Paritau, Ole Kasha (sen.) and Nadalla, presidents of the Damat, Kalonyukve, Loita and Siria Councils respectively; Kamagoyiya, representing Metiaka, president of the Sighirari (Laitokitok) Council; Ole Siranga, representing Ole Monga, president of the Il Dala Lekutuk Council; Ngaroya, president of the Sighirari (Engidongi) Council; Ole Naipenyu, Njeroge Ole Karei and Ololoderio, respectively presidents of the Councils of the L'odo Kilani, Kaputiei and Matapatu Divisions. The Officer-in-Charge explained to the elders that they had been called as representatives of all the Maasi, and that they would form a permanent council for the purpose of discussing the affairs of the tribe as a whole, and the matters arising out of the Agreement; and in order to assist the Government in carrying out its policy. The Maasi were expected to rule themselves under the direction of their officers and to help maintain law and order in their own country. The tribal councils, which had been formed in each division according to native custom, were intended to settle local matters dealing with land or property and to punish people for minor offences.

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The idea of the Council appealed to the Maasi tribe as a whole, and the members of the Council agreed to attend to all matters affecting the tribe, and also to settle cases which the local sub-councils had been unable to decide.

VII: THE MASAI DISTRICT

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as the Masai race shall exist," and to refrain from leasing or granting any land (except such land as may be required for mining or for any public purpose) "without the sanction of the paramount chief and the representatives of the Masai tribe."

As a people of Nilo-Hamitic origin, the Masai have an affinity to the Nandi, Kipsigis, Suk and Turkana of the Keyna Colony, but they have maintained more of their original custom and mode of life than the Nandi or the Kipsigis. A variety of circumstances have combined to produce this result, but it is undoubtedly due in large measure to the fact that the extent and quality of the lands occupied by them has allowed them, as a tribe, to escape the disturbance in their traditional life caused by the necessity of wage earning on the European farms and urban centres or of taking to agriculture. It is noteworthy that though parties of the Masai have on various occasions lent assistance to the Kenya Government in military or police operations against other tribes, they have never enlisted in any numbers in the armed forces maintained in the Colony, and they actively resisted the efforts made to secure their recruitment during the War of 1914-1918.

The social structure of the Masai has from the outset created an obstacle to the adoption of any system of native administration similar to that in force in other parts of the Colony. The military organization of the tribe was in earlier days maintained by a system which divided the male population into boys (L'Ayok), warriors (Moran) and elders. The first stage continued till circumcision, performed any time between thirteen and seventeen years of age. Those who were circumcised within a certain period, normally four years, formed an Age Group, and those circumcised during the succeeding period formed a second Age Group, these Groups being distinguished as the Right Hand and Left Hand Groups respectively. The circumcised youths became the warrior class, who were divided into Companies (sirit) living in separate villages (manyatta) often of a considerable size, and the larger manyattas had their own "Councillors" (L'Aiganak) chosen from among the Moran.

The Moran had special privileges, such as that of cohabitation with unmarried girls, and were relieved of all tribal obligation save fighting and raiding. Even such forms of manual labour as were involved in a pastoral life were avoided by them. They remained on the fighting strength of the tribe or periods which originally varied from seven to twelve years, and then, after the celebration of the E-unoto ceremony, "drank milk" and passed into the stage of Elders. But, as Sir Charles Eliot observed in 1905, "the Elders' ideal of existence seemed to be ease, not unmingled with drunkenness." Those who attained a position of wealth and importance might be elected as Chiefs, but the functions of a Chief were restricted to leadership in raiding or warfare.

There is another feature of importance in the social structure. The Masai are divided into Sections (Aloaho) which probably had their origin as clan or kinship groups, but have no close correspondence with geographical divisions. There are 14 recognized Sections, of which the Purko is by far the largest and most wealthy. Each of these Sections has its own Age Grades, so that the period at which youths become Moran, or Moran became Elders at the E-unoto ceremony, do not coincide in the different Sections. Each Section used to have an informal Council of the Elders, but these had little direct control of affairs, particularly where the activities of the Moran were concerned, and the situation

* Introduction to The Masai, by A. C. Hollis, 1905. For the significance of the E-Unoto ceremony see page 69 of the Administrative and Political History of the Masai quoted above.

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[623] was further complicated by the fact that at stated intervals, normally about 15 years, power passed from the hands of the representatives of one Age Group in each Section into those of the succeeding Age Group, there being thus an alternation of authority in each Section between the Right Hand and Left Hand Groups.

642 To quote Sir Charles Eliot again, the consequence of the traditional structure of Masai society was that "the centre of political gravity was not with the elders or chiefs, but with a republic of young men, governed by ideas of military comradeship. The chiefs arranged the details of any raids which the young men wished to undertake, but their power of compelling them to do anything which they did not wish was very slight." The nearest approach to a central and superior authority was to be found in the Chief Medicine-Man (Laibon), though his authority was based mainly on the discharge of his magical functions.¹ The medicine-men were divided into three grades, of which the first grade was represented by the person of the Laibon, the Chief Medicine-Man of the tribe, and his guidance was held to be of the first importance in any major operation which the tribe might undertake.

THE INTRODUCTION OF THE NATIVE AUTHORITY SYSTEM

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648 It is unnecessary to dwell here on the circumstances which for a prolonged period made the Masai a standing menace to the peace of their neighbours. The tribe seems to have reached the height of its power between 1800 and 1850, when it overran Kenya and part of Tanganyika.² There were subsequently severe internal dissensions among the Masai, which resulted in two of their five "divisions" being practically destroyed and there was also great mortality as a result of the outbreak of rinderpest and smallpox in the 'eighties of last century. But even though their strength was much reduced, their predatory habits continued to be a matter of grave concern in the early days of the Colony, and seemed in particular to threaten the progress of European settlement. Among the Masai themselves strong feelings were aroused by the measures, taken largely in the interest of European settlers, designed to counteract the propensity of the tribesmen to roam widely in search of fresh grazing grounds, as the result of which they were restricted to a Northern Reserve (Laikipia) and a Southern Reserve, separated from the Northern Reserve by a broad belt of country occupied by European farms. That was the position at the time of the Masai Agreement of 1904, but it subsequently became the policy of the Kenya Government to move the tribesmen in the Northern Reserve into the Southern Reserve, which was to be largely augmented in area for this purpose.³

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791 In view of the terms of the Agreement of 1904, the assent of the Masai was required for this transfer, and the operation was one of obvious difficulty. In the circumstances it was not unnatural that the Government should have availed itself of the influence exercised by the Chief Medicine-Man, the Laibon Lenana. He had inherited from his father, Mbatian, who died in 1890, a position which commanded general respect, and he himself took a leading position on behalf of the tribe in the discussions which led up to the Agreement of 1904, which he signed as "Chief Laibon." He was subsequently recognized

¹ The word laibon appears to be a Europeanised form of the Masai word O'laiboni (A. C. Hollis, *The Nandi*, 1909, page 46).

² Land Commission Report Vol. II para. 209.

³ The Laikipia Reserve, contained 4,500 square miles. An addition of 6,500 square miles was to be made to the Southern Reserve.

VII: THE MASAI DISTRICT

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by the Government as the Paramount Chief of the Masai, a title which was in 1911 continued to his son Segi. It was as Paramount Chief that Segi, through his Regent Legalishu, signed the Agreement of 1911, which recorded the acceptance by the Masai of the move from Laikipia to the Southern Reserve.

But Lenana himself never seems to have claimed a position of sovereignty, nor was it ever accorded to him by the tribe. Segi proved to be lacking in the qualities of his father, and such influence as he possessed was confined to the small Section of which he was a member, while the more important Sections, such as the Purko, either refused to recognize him or treated him with contempt. In 1918, therefore, the Government withdrew his recognition as Paramount Chief. Apart, however, from any question of the personal capacity of Segi, it is obvious that the social structure of the Masai had no place for the conception of chiefship in the form existing in the traditional organization of those Bantu tribes which have a "centralized" system of Government. In the latter, the fundamental principle is the recognition of a tribal head, with authority devolved on territorial subchiefs, and supported on the allegiance of headmen representing either kinmen groups or village units. In such an organization the authority possessed by the headmen is as essential an element as that of the Chief and his subchiefs—a fact which is sometimes overlooked by those whose contact with a tribe is primarily through these more conspicuous figures. All these features of the normal Bantu tribal organization were wanting in the structure of Masai society.

Following the abolition of the post of Paramount Chief in 1918, the Government endeavoured to find agencies for local administration in the promotion of three institutions, a Central Masai Council, a series of 14 Native Councils each representing a different tribal Section, and Headmen, created as far as possible on the model of the Location Headmen found elsewhere in the Colony. The Central Masai Council at Ngong was composed of the presidents of the Native Councils and was to meet twice a year. The 14 Native Councils were designed to take the place of the informal Councils of Elders to which reference has previously been made. They were recognized as tribunals exercising powers under the Native Tribunal Rules of 1913, and were moreover given the position occupied by Collective Headmen under the Native Authority Ordinance then in force (No. 22 of 1912). The members of these Councils consisted of the recognized Counsellors (L'aigwanak) of the different Age Grades in the divisions, with a few of the more influential Elders and Moran added. Moran L'aigwanak were not ordinarily admitted to these Councils of Elders, but as the Elders did not themselves possess any great measure of control over the Moran, it was thought that the appointment of their leading warriors might help to improve the situation. These appointments could, however, only be temporary, owing to the custom already mentioned, under which an Age Grade of Moran held its position only for a specified period in each Section, giving place to a new Age Grade at the end of that time. The presidents of these Councils were chosen from the L'aigwanak by the Masai themselves.

The greatest difficulty was, as foreseen at the time, encountered in regard to the appointment of Headmen. These were not necessarily Elders, but were chosen as possessing wealth or influence, and were given the position accorded to headmen by the Native Authority Ordinance 22 of 1912. But there were two obstacles to their effective discharge of these powers. The units which they were selected to control were not Locations with a settled population, as in most other parts of Kenya, but groups of semi-nomadic tribesmen, and their

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authority always tended to break down in face of the lawless and independent spirit of the Moran. In 1918 the Headmen numbered 46, of whom 28 were unpaid, and 18 received pay ranging from £6 to £36 a year, the former Paramount having a special pay of £90. Fourteen of the 18 paid Headmen were presidents of the Native Councils, and following the custom adopted in many other parts of Kenya, they were given the courtesy title of Chief.

SUBSEQUENT CHANGES IN THE SYSTEM

In the period that has passed since this system was introduced, there have been changes which have to some measure affected the structure of Masai society. The restraint exercised on cattle raiding has robbed the military organization of its former importance, while the growing value of cattle and sheep has enhanced the position of the wealthier stockholders, who now constitute, together with some men of hereditary prestige, an aristocratic element with an acknowledged leadership in Masai society. In other respects the Masai hold tenaciously to their customary institutions and mode of life, and the Moran in particular retain the tradition of indiscipline (in all but a military sense) and the aversion to labour which characterized them in the past.

The Government has in the interval effected changes also in the system of native administration above referred to, with the view of adjusting it more nearly to the pattern followed in other parts of Kenya. The Central Masai Council and the 14 Native Councils gave place in 1930 to two Local Native Councils, at Narok and Kajiado, which have now been formally constituted under the provisions of the Native Authority Ordinance of 1937. The system of tribunals has also been revised, as will be further explained below.¹ The Headmen have been divided into two grades, Headmen and subheadmen, of whom the former have the courtesy title of Chief. They now derive their powers from the Native Authority Ordinance of 1937.

The 16 Headmen have a pay ranging from 17s. to 70s. a month, and the 28 subheadmen a pay ranging from 10s. to 32s. 50 cents a month. Practically all the Headmen or subheadmen are stockholders, and represent the ruling Age-Grade in each of the different Sections; very few of them are educated or literate and only a few can speak Swahili. The Headmen and subheadmen constitute the executive agency of the District administration and of the Local Native Councils, and they are in addition charged with the collection of the native Poll Tax. That is a task which they are said to discharge with some efficiency, though as will be shown subsequently in dealing with the administration of the Tribunals, there are numerous cases of the evasion of tax. The Chiefs can call on the services of a small number of Tribal Police, recruited and controlled by the District Commissioner. Up to 1943 the Tribal Police were the only force of this nature in the Province, but since that year a unit of the Kenya Police Force has been stationed in the Narok district, largely in view of the prevalence of stock thefts.

THE LOCAL NATIVE COUNCILS

Of the two Local Native Councils, that at Narok has 10 nominated and 23 elected members, and that at Kajiado 10 nominated and 14 elected. There is, however, little difference in practice between the nominated and elected members, since all are in fact selected by the District Commissioner after

¹ Page 173.

571 grades, which has resulted in marking off the whole of the younger men,
 701 roughly up to the age of twenty-seven or thirty, as a warrior class (*moraa*) who
 are not only free from most obligations to work, but are independent in many
 other respects of tribal discipline. Though therefore authority has rested
 • 623 nominally with the Elders (*laigwanak*) who have passed the stage of *moraa*,
 642 and with the Councils of Elders who formed a regular feature of the Masai
 701 tribal usage, these Councils have not in the past nor are they to-day able to
 561 enforce decisions which may affect the younger men. It is true that the Elders
 have recently made decisions, accepted by the *moraa* themselves, which will
 limit the period of *moraa*-hood and may provide the *moraa* with work on
 betterment schemes, but it still remains to be seen how far these will be effective
 in providing a solution for a problem of which the economic is no less serious
 than the social aspect.

175 Attempts were at one time made in Tanganyika, as also in Kenya, to
 791 utilize the Lailon, the spiritual head of the Tanganyika Masai, as Native
 633 Authority. But the Masai themselves objected to his occupying this position,
 and as the result of a Sociological Survey made by H. A. Fialowski in 1938,
 the system was altered. The gazetted Native Authority then became the
 Masai Council, which in practice consisted of Headmen and Elders, and
 apparently also of any tribesmen outside the *moraa* age grade who cared to
 attend. But this Council was in effect only a consultative body, without any
 practical authority, and since the Headmen were not gazetted as Native
 Authorities, they had no legal power to issue Orders under Section 8 of the
 Native Authority Ordinance.

646 A further reorganization has now been carried out. Each area now has
 its own Local Council, with locally elected representatives of age grades and
 clans, and these Councils have been gazetted as Subordinate Native Authorities.
 Representatives from each Local Council, differing in numbers in accordance
 with the size and population of the area involved, compose the Masai Council,
 which is the Superior Native Authority for the whole Masai District, excluding
 Sonjo. The Council is now limited to these representatives: there is, however,
 provision for the addition of *moraa* or nominated members if and when
 advisable. The Local Councils have begun to exercise their Order making
 powers under Section 8 of the Native Authority Ordinance. There are 41 paid
 Headmen, chosen by members of their own age grade.

652 There is a Masai Native Treasury, which however is managed entirely by
 the District Commissioner. The small Sonjo tribe has a Council of Sonjo
 000 Headmen, which is gazetted as a Native Authority, and has a separate Treasury.

THE WORKING OF THE NATIVE AUTHORITY SYSTEM

The variety of conditions is so great that it is difficult to generalize on the
 operation of the system of native administration in the Province as a whole.
 There are, however, certain points of special significance. The recent re-
 organization in the Chagga Native Authority area has placed in a superior
 position three Chiefs who already had a high status in view of the number of
 taxpayers in their jurisdiction, but its future success will depend on the extent
 to which these Chiefs can secure the co-operation of the more progressive
 elements who have now been brought within the framework of the system, as
 members of the new Divisional Councils. This is especially necessary, in view
 of the character of Chagga society, for though the Chagga are probably the

PRACTICAL STRUCTURE

Local Divisions and Authorities

The basic unit of a tribe, of a clan, is the unit or warrior company in its simplest form. It represents a district from which a given number of fighting men is drawn, and within this district are also the heads, *cab-og*, of the elders. The formation of an *cab-og* varies. It may contain a group of men who continue as elders the association which they began as warriors in the *masopeta*; or it may be a casual grouping which can break up and re-group; and it may contain anything from one to 20 men. Within the *cab-og* a rudimentary council seems to exist with one of the elders at its head. It may be no more than the heads of families sitting together and talking. Such as it is, it corresponds to some extent to the Masai *kaboni*, though its powers and sphere are smaller. But it differs also in an important respect. All the inhabitants of a Masai parish, including the warriors, come under the jurisdiction of the *kaboni*, whereas in the Masai system the local warrior company has its own authority, the *al-ajapant*, who is responsible for the maintenance of both military discipline and "civil law" within his company, and his warriors appear to be independent of the elders' councils. When the age-set has passed out of the warrior stage, the *al-ajapant* remains its authority. A number of *cab-og* districts forms the larger unit, *al-acha*, which English writers call the section or division, the latter being the word used by Sandford. Each of these *al-acha* has a council of elders which corresponds in some respects to the Masai *parish* council, and, as will be seen from p. 11 above, the *al-acha* are associated either in loose confederations with a group-name, like *Il-Purko*, *Il-Damut*, and *Il-Kak-a-mukhi*, which together form the *Il-Murro*, or as *al-acha* "units" over *il-chaipale*, *il-chaipale*. The organization of the Masai seems to have developed on slightly different lines from the rest of the Masai. The *cab-og* is the household of one elder and his wives and children; a number of such households forms a local group with a council of elders, and the total number of local groups is divided among eight sections called *al-murro* (sing. *al-murro*), each with a council made up of the leaders of the component group-councils. These *al-murro* are divided into two large sections with "cattle-names": the *Il-murro-kibiko*, "the black cattle," contains the *al-murro* of *Lo-igro-kibiko*, *Lo-igro*, *Ok-murro*, and *Nguro*; and the *Il-murro-kibiko*, "the white cattle," contains the sections called *Il-murro-kibiko*, *Lo-kurro*, *Lo-kurro*, and *Lo-igro*.

The most important figure in Masai organization is the *al-ajapant*, whose duties in the past were to make the practical arrangements for war, to control the distribution of the loot, to settle disputes when approached to, to lead his men to war, and to maintain liaison between his company and the *kaboni* on the one hand, and between his company and other companies on the other. But he could not ignore *il-ajapant* with his men, who in turn could discipline him if not satisfied with his actions. Now that there is no more organized warfare, the duties of the *al-ajapant* are mainly confined to the suppression of raiding, in which his effectiveness depends on his character, influence, and disposition; and to settling disputes, in which he is assisted by the elders of the district. Thus a council system with an elected leader has developed out of the older structure in which the *al-ajapant* and *cab-og* were semi-independent bodies. As among the Masai, it is the personality of the *al-ajapant* and the force of public opinion that compel obedience to him. But the whole Masai system is less clear cut than even that of the Masai, in spite of the apparent definiteness of the *al-ajapant*, though in certain respects he is analogous to the *Ala Boko* or agent ruler of the Galla, who is the tribal ruler for a period of eight years.

The Lelke

The *lilke*, a word borrowed from *al-acha*, pl. *al-acha*, and derived from *al-acha*, "to make medicine," is a ritual expert who presides at initiation and circumcision, cures illness, provides charms, and conducts the *lilke*. *Fadhaka* divides

* Information from the Rev. Charles Selous of the S.C.M.S.

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recovery from their pains. Itharyan earned outstanding merit through the discovery of a protective vaccination against lung disease of cattle. According to the corresponding accounts of London and four old Masai, Itharyan, several years before his death, had already postponed the appearance of rinderpest that did not take place until after it and the subsequent subduing of the Masai by Europeans. In the outward appearance of this man nothing divulged his power. On a thin, average-sized figure sat an ugly head whose face was disfigured more particularly by the lack of one eye -- allegedly a birth defect. This latter circumstance led to the origin of the legend that the chief must always be one-eyed and that the father should destroy in childhood one eye of the son later following him. The face was even more repulsive because of a heavy, highly grayish beard.

That is, in contrast to the other men, neither the el oilemi nor the el gilemi and el kilemi mentioned farther below may pluck out their beards, because they would lose their supernatural power through the removal of the beard hairs.

The chief's village consists of a large number of kraals lying close together, several of which serve as the dwelling of the el oilemi with his numerous wives. Itharyan had about 200 wives; the still young London has only 30 of them. No strange man may enter these dwelling kraals of the chief and his wives or appear in their immediate vicinity. Close by are found the rest of the kraals, one of which is intended for conferences and receptions and in which a few older men close to the chief as helpers and advisors (el dilaanah el oilemi) live with their families, whereas the others are occupied by warriors who form the defense of the village and, on the marches of the chief, his bodyguard. In his last years of life, when Itharyan was mentally disturbed, he often spent months on the open steppes in a small hut made of branches, around which the warriors accompanying him camped in a large circle. The ceremony in the chief's camp is very simple. One of the men wandering about idly in the village leads the newcomer into the conference kraal, where he waits for the chief. As soon as the latter appears, the stranger